



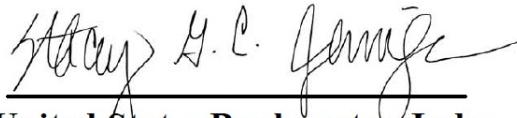
CLERK, U.S. BANKRUPTCY COURT  
NORTHERN DISTRICT OF TEXAS

**ENTERED**

THE DATE OF ENTRY IS ON  
THE COURT'S DOCKET

The following constitutes the ruling of the court and has the force and effect therein described.

Signed October 31, 2018

  
\_\_\_\_\_  
**United States Bankruptcy Judge**

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**IN RE:**

**ACIS CAPITAL MANAGEMENT, L.P.,  
ACIS CAPITAL MANAGEMENT GP,  
LLC,**

**DEBTORS**

§ Case No. 18-30264-SGJ-11  
§ Case No. 18-30265-SGJ-11  
§ (Jointly Administered Under  
§ Case No. 18-30264-SGJ-11)  
§ Chapter 11  
§

**HIGHLAND CAPITAL MANAGEMENT,  
L.P., AND HIGHLAND CLO FUNDING,  
LTD.**

**Plaintiff,**

§ Adversary No. 18-03078-SGJ

**v.**

**ROBIN PHELAN, CHAPTER 11  
TRUSTEE**

**Defendant.**

**ROBIN PHELAN, CHAPTER 11  
TRUSTEE**

**Third Party Plaintiff,**

**v.**

**HIGHLAND HCF ADVISOR, LTD., AND  
HIGHLAND CLO MANAGEMENT, LTD.** §  
§  
**Third Party Defendants.** §

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**ORDER ON HIGHLAND CLO FUNDING, LTD.'S MOTION TO DISMISS**

CAME ON FOR CONSIDERATION, the *Motion to Dismiss Counterclaims or, Alternatively, for a More Definite Statement* [Doc. 43] (the “**HCLOF MTD**”) filed by Highland CLO Funding, Ltd. (“**HCLOF**”). The Court considered the HCLOF MTD at a hearing held on October 9, 2018 (the “**Hearing**”). Counsel for HCLOF and counsel for Robin Phelan, the Chapter 11 Trustee (the “**Trustee**”) for the above-captioned debtors, appeared and argued at the Hearing.

It is therefore, **ORDERED AND ADJUDGED AS FOLLOWS:**

1. Given that the Trustee intends to amend and/or re-file the *Defendant's Answer, Affirmative Defenses, Counterclaims, and Third Party Claims*, filed July 2, 2018 [Doc. 23] (the “**Current Answer**”), HCLOF announced at the Hearing that the portions of the HCLOF MTD dealing with failure to state a claim upon which relief can be granted (pursuant to F.R.C.P 12(b)(6)) or for a more definite statement (pursuant to F.R.C.P. 12(e)) are deemed withdrawn, without prejudice.
2. The portion of the HCLOF MTD dealing with lack of personal jurisdiction over HCLOF (pursuant to F.R.C.P 12(b)(2)) is denied for the reasons stated on the record at the Hearing.

**IT IS FURTHER ORDERED THAT** this Court shall retain jurisdiction with respect to all matters arising from or related to the implementation, interpretation, and enforcement of this Order.

### END OF ORDER ###

Submitted by:

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